SBCivil Writ Petition No.6991/2006

Kishore Singh
v.
State of Rajasthan & Ors.

Date of Order :: 8th December, 2006

HON'BLE MR.JUSTICE GOVIND MATHUR

Mr. K.S.Yadav, for the petitioner.

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By the order dated 20.7.1995 the appropriate government refused to refer the industrial dispute raised by the petitioner with regard to his termination from service by the Manager, Rajasthan Finance Corporation. By this petition for writ a challenge is given to the order aforesaid. The petitioner has filed this writ petition after a lapse of a period of more than 12 years from the date of the issuance of the order impugned. The explanation given in this regard by the petitioner is that the order impugned was not communicated to him either by the government or by his representative and, as such, he was not in a position to assail the validity of the same in this entire period. According to the petitioner he came to know about the order only in the month of June 2005 when he inquired with regard to the fate of his dispute from the office of the respondents.

Heard counsel for the petitioner.

From perusal of the communication Annexure-5 dated 20.7.1995 it is apparent that a copy of it was sent to the petitioner at his address i.e. Ward No.8, Indira Gandhi Colony, Suratgarh, Distt. Sriganganagar. It is accepted by counsel for the petitioner that the address given in the communication dated 20.7.1995 is the correct address of the petitioner and the petitioner has given the same address in the instant petition for writ also. Looking to the fact that a copy of the communication dated 20.7.1995 was sent to the petitioner at his address I am satisfied with the explanation given by the petitioner for causing delay in filing the writ petition. The latches on part of the petitioner in filing the writ petition does not require condonation as the dispute is stale. Even according to the petitioner his service was discontinued on 20.12.1992. In the circumstances of the instant case it shall not be appropriate to interfere with the matter which is quite stale one.

Accordingly, the writ petition is dismissed.

(GOVIND MATHUR),J.

Kkm/ps.